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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,923	05/30/2001	Chikara Murata	108421-00016	5150

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EXAMINER

CHANG, VICTOR S

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,923

Applicant(s)

MURATA, CHIKARA

Examiner

Victor S Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004 and 08 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Introduction

1. The Examiner has carefully considered Applicant's amendments and remarks filed on 7/8/2004 and 4/8/2004. Applicants' amendments to claims 1 and 2 have been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Rejections not maintained are withdrawn. In particular, Applicant's arguments in view of newly amended claim 1 have been considered, but are moot in view of the new grounds of rejection as follows.

Rejections Based on Prior Art

4. Claims 1, 2, 4, 5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroeder et al. (US 5820957) in view of Nishizawa et al. (US 6268704), and further in view of Miyashita et al. (US 5759643), substantially for the reasons set forth in section 5 of Office action dated 10/21/2003, together with the following additional observations.

It is noted that independent claim 1 has been amended to recite a new limitation "said anti-reflection layer being formed by resin in which low refractive index material disperses therein".

Applicant's argument "the structure of the anti-reflection layer as set forth in the claimed invention is neither described nor suggested by the cited references" (Remarks filed 4/8/2004, page 6, top paragraph) has been carefully considered, but is not persuasive. It is noted that Miyashita's invention is directed to an optical device (polarizer plate) comprising an anti-reflection layer. Miyashita expressly teaches that an "anti-reflection layer may have a monolayered structure comprising a layer of ultra-low refractive index, or a multilayered structure ... Alternatively, the anti-reflection layer may also be formed by using particular resins ... For example, the layer of ultra-low refractive index may be produced by using an acrylic resin having a fluorine-containing substituent introduced therein" (column 7, lines 17-31). As such, in the absence of unexpected results, it would have been obvious to one of ordinary skill in the art to substitute Schroeder's anti-reflection layer with an alternative anti-reflection layer, as taught by Miyashita, motivated by the desire to use a known alternative material. The selection of a known equivalent material based on its suitability for its intended use supported a *prima facie* obviousness determination. See MPEP § 2144.07.

With respect to Applicant's argument "Nishizawa relates a color cathode-ray tube in a display for television, etc., and therefore, it is not necessary to add the teaching of Nishizawa to the technique for forming an adhesive layer as illustrated in Schroeder" (Remarks, page 6, middle paragraph), the Examiner notes that Schroeder expressly teaches "The anti-reflective film construction ... are highly suitable for use as an anti-reflective material in display components ... in which a reduction of surface reflection from all viewing angles ... is desired" (column 1, lines 50-58). As such, both Schroeder

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and Nishizawa are directed to anti-reflective display components, and combining their teachings is proper, motivated by the desire to improve the viewing comfort and clarity of the display (see also page 3 of Office action dated 10/21/2003).

Finally, with respect to Applicant's argument "light transmittance of a surface treating film in Nishizawa is from 60 to 72% ... even if the technique of Nishizawa is applied to Schroeder, transmittance of 70% or more in first through sixth embodiment of Schroeder ... is not achievable" (Remarks, page 6, middle paragraph), the Examiner notes that since the combined teachings of prior art references teaches essentially the same subject matter of instant invention as claimed, as such a suitable light transmittance is either anticipated, or an obvious optimization to one skilled in the art, motivated by the desire to obtain an improved viewing clarity. It should be noted that where the claimed and prior art products are shown to be identical or substantially identical in structure or composition, or are produced by identical or substantially identical processes, a *prima facie* case of either anticipation or obviousness has been established. See MPEP § 2112.01.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VSC

Victor S Chang
Examiner
Art Unit 1771

8/20/2004



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700